

Chapter 1. Purpose and Need

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Chapter 1. Purpose and Need

1.1 Introduction

The Payette National Forest (PNF) completed this Environmental Impact Statement (EIS) to analyze the environmental effects of revision of the Travel Management Plan. The plan would designate a system of roads, trails, and areas open to motorized and non-motorized use on the portion of the Payette National Forest outside of the Frank Church-River of No Return Wilderness (FC-RONRW) (Figure 1-1).

This EIS has been prepared in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. The EIS analyzes and discloses the direct, indirect, and cumulative environmental impacts that would result from approving the proposed plan or one of the alternatives to the plan.

1.2 Background

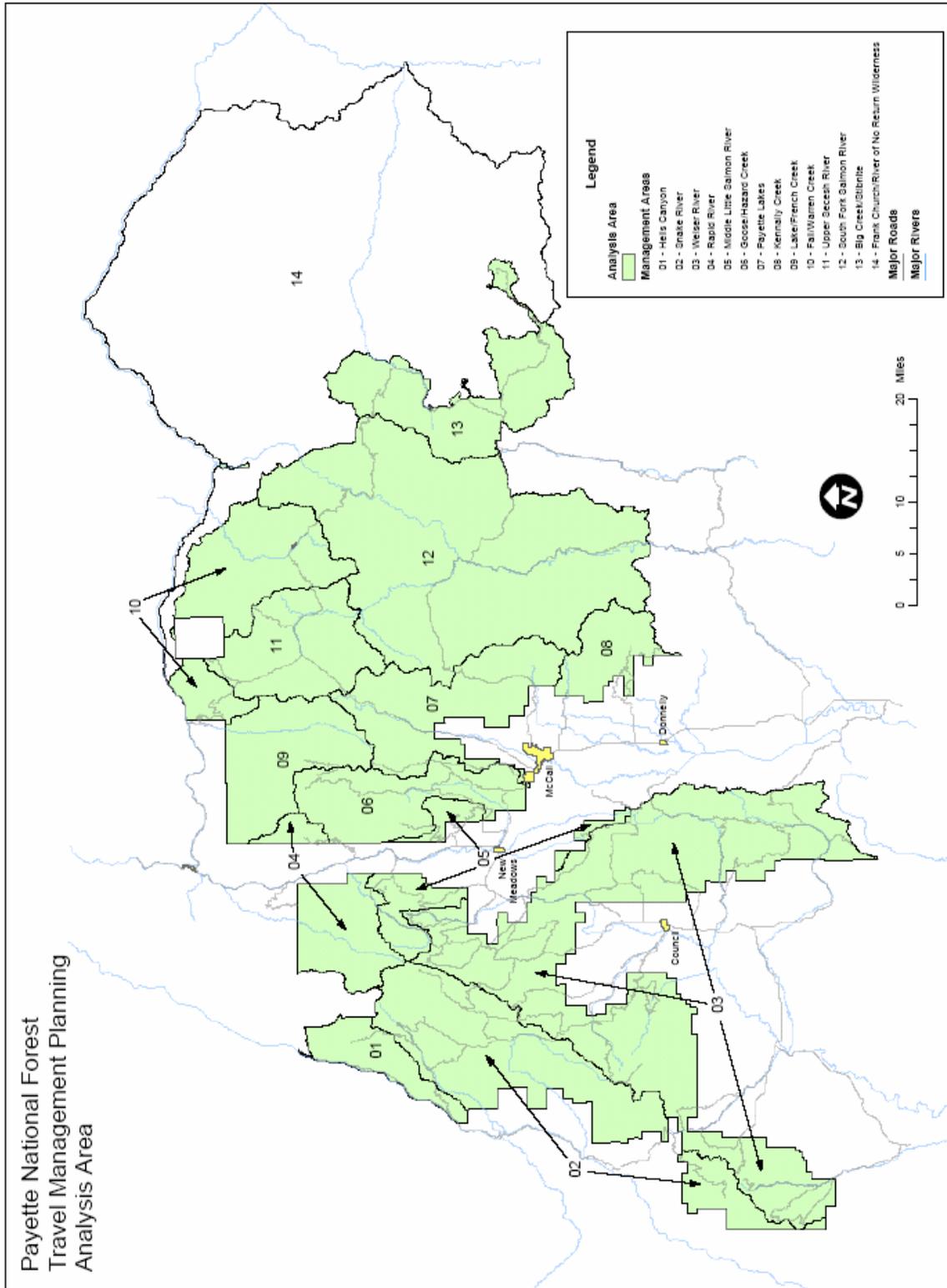
Management of the Payette National Forest (PNF) is guided by the Forest Plan as directed in the National Forest Management Act (NFMA). Regulations implementing the NFMA (1976) require the Regional Forester to revise forest plans and provide the basis for revision. The initial PNF Forest Plan was completed in 1988. Travel management planning was identified as a significant issue in the initial Forest Plan and a Forest Travel Map was completed and released as part of the Plan. A revised Travel Map was issued in 1995. Since that time, travel management has been guided by the 1995 map as updated on a yearly basis by the PNF *Backroads* map. These maps provided visitors with information on roads, trails, and areas open for travel on the Forest.

In 2003, the Payette National Forest revised the Forest Plan under regulations formulated in the Code of Federal Regulations (36 CFR 219) in 1982 (Note: new regulations under 36 CFR 219 were approved in 2005). The purpose of the revision was to guide all natural resource management activities, address changed conditions and directions, and meet the objectives of federal laws, regulations, and policies.

The Final EIS for the Forest Plan identified travel management and winter access management as issues not analyzed in detail. The responsible official decided to not address travel management and winter access management in the revision process “due to the broad array of localized issues with travel management that occurs at scales below a Forest Planning unit.” The decision was made to address travel management under a separate, more localized planning process (Forest Plan 2003: V.1: 2-6; USDA Forest Service, 2003a: ROD: 8). The revised Forest Plan did provide a framework for travel planning. Forest Plan direction related to travel planning is described in Chapters 2 and 3 of this document.

National direction for travel management, specifically off-road use of motor vehicles on federal lands, is provided by Executive Order (E.O.) 11644 (February 8, 1972) as amended by E.O. 11989 (May 24, 1977). Forest Service rules at Title 36, Code of Federal Regulations, part 295 codify the requirements in E.O. 11644 and E.O. 11989. Regulations regarding travel management on National Forest System lands were recently modified (36 CFR Parts 212, 251, 261, 295 “*Travel Management; Designated Routes and Areas for Motor Vehicle Use*” Federal Register 2005: 70FR68264).

Figure 1-1. Project area for the Payette National Forest Travel Plan



1.3 Purpose and Need

This section provides the framework for the proposal. Agencies propose actions to address a need for change: to move from an undesirable existing condition to a more desirable condition. The need may stem from law, regulation or policy; public desires; resource needs, and professional judgment. The purpose identifies the scope of activities used to address the need. The purpose also serves to guide the range of alternatives and helps the decision maker focus on concerns relevant to the decision.

1.3.1 Purpose

The Payette National Forest Supervisor identified the following as the purpose for a revised Travel Management Plan:

- Meet Forest Plan and national direction.
- Limit indiscriminate motorized cross-country travel.
- Designate a system of roads, trails, and over-snow use areas.
- Balance management considerations (such as maintenance costs and public safety) with recreation opportunities.
- Reduce impacts to Forest resources.
- Reduce conflicts between recreational uses.

1.3.2 Need

The need for revision of the Travel Management Plan was identified in the 2003 Payette National Forest Land and Resource Management Plan and Record of Decision (ROD) (Forest Plan 2003). The responsible official for the Forest Plan made the decision to address travel management under a separate, more localized planning process. The Forest Plan provided a framework for travel management planning. This framework requires that travel management (as with all management of the PNF) emphasize maintenance and restoration of watershed conditions, species viability, terrestrial and aquatic habitats, and functioning ecosystems.

The existing Travel Management Plan is required to comply with this framework as well as specific Forest Plan direction. To not identify and adopt a comprehensive revised Travel Management Plan does not mean that the existing Travel Management Plan would be maintained into the future. Compliance with the Forest Plan framework could be achieved incrementally through many small analyses and decisions, or it could be achieved comprehensively through analysis of the Travel Management Plan across the Forest for winter and summer travel. The responsible official chose the latter course.

The following Forest Plan goals provide the focus for revision of the Travel Management Plan (additional direction is included in section 1.7.1, and Chapters 2 and 3):

- Provide and maintain a safe, efficient Forest transportation system that meets resource management and access needs, while mitigating degrading resource effects. (Forest Plan 2003: p. III-58: FRGO01)
- Manage motorized and non-motorized travel and travel related facilities to: a) provide for public safety, b) meet resource objectives and access needs, c) mitigate road and trail damage, and d) minimize maintenance costs and user conflicts. (Forest Plan 2003: p. III-62: REGO05)
- Provide an array of winter recreation experiences, while mitigating conflicts between motorized and non-motorized use and wintering wildlife. (Forest Plan 2003: p. III-62: REGO06)

The following Forest Plan standard was a key requirement for the revised Travel Management Plan:

- On all lands outside of designated travel ways, motorized use shall be prohibited unless otherwise authorized (Forest Plan 2003: p. III-64: REST04).

During the Forest Plan revision process, Payette National Forest specialists identified a variety of resource concerns related to travel management including conflicts between recreational uses (particularly in winter), and impacts to wildlife, fish, and water quality from cross-country motorized travel, and use of unauthorized roads. Inconsistent travel management direction across the Forest was also causing problems with the enforcement of travel regulations. Much of the eastern portion of the PNF was closed to cross-country motorized travel, while large areas on the western portion of the PNF were open to cross-country motorized travel.

The need for revision of the PNF Travel Management Plan is also supported by a nationwide awareness within the Forest Service of the harmful effects of indiscriminate off-road travel. This led to the Forest Service final rule in the Federal Register: 36 CFR Parts 212, 251, 261, 295 “*Travel Management; Designated Routes and Areas for Motor Vehicle Use*” (Federal Register 2005: 70FR68264). This rule requires designation of roads, trails, and areas open to motor vehicle use. The rule prohibits use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas inconsistent with the designation. The final rule does not require that over-snow vehicles (such as snowmobiles) are limited to a designated system by exempting them under 212.51 (p.111), but states in 212.81 (p. 116) that “use by over-snow vehicles...on National Forest System lands may be allowed, restricted, or prohibited.” The PNF choose to include over-snow vehicles in this analysis based on direction in the Forest Plan, and the previously identified need to address both conflicts between uses and resource impacts in winter. Designation of over-snow motor vehicle use will be made under 36 CFR 212.81 in this decision.

1.4 Proposed Action

The proposed action would revise the current Travel Management Plan by designating a site-specific travel system for snow-free (summer) and over-snow (winter) travel on National Forest System (NFS) lands on the Payette National Forest.

The travel system for summer would include approximately:

- 1,118 miles of open designated NFS roads
- 495 miles of seasonally open designated NFS roads
- 89 miles of NFS trail open to ATVs (All Terrain Vehicles)
- 3 miles of NFS trail open to OHVs (Off-Highway Vehicles)
- 434 miles of NFS trail open to 2-wheel motorized use
- 596 miles of NFS trail open to non-motorized travel

Motorized cross-country travel, including travel on all unauthorized roads, would be prohibited across the Forest. Cross-country travel within 300 feet of open designated roads and 100 feet of designated motorized trails would be allowed for dispersed camping only when such use does not cause resource damage.

The travel system for winter would include approximately:

- 226 miles of groomed snowmobile routes.
- 1,061,130 acres open to motorized over-snow use.
- 468,610 acres closed to motorized over-snow use.

A complete description of the Proposed Action, including Project Design Features (PDFs), management requirements, and monitoring, is provided in Chapter 2.

1.5 Project Scope

The geographic scope of the proposed action the thirteen Management Areas (MAs) of the Payette National Forest outside of Wilderness. The project area totals 1,529,740 acres of National Forest System (NFS) lands. The project area lies in Adams, Idaho, Valley, and Washington counties. The project area does not include Bureau of Land Management lands, lands owned by the State of Idaho, or private lands.

Roads and trails under the jurisdiction of other entities (such as counties) are not analyzed in this document, but are shown on maps of the alternatives. These routes have been included in the maps to show how routes are connected to each other. Full implementation of a selected action alternative on routes under other jurisdictions would not occur until proper right-of-ways over those routes are secured.

Previous travel decisions made through site-specific project analyses are considered part of the existing Travel Management Plan and are included in the No Action Alternative. The administrative scope includes analysis of existing designated NFS roads and trails, and unauthorized routes proposed for use by the public or resource specialists. The administrative scope also includes reconstruction or re-routing of trails and roads as necessary to accommodate designation changes and provide protection of resources. Specifics of the administrative scope of the proposed action are described below under “Decisions to be Made.”

1.6 Decisions to be Made

The Payette National Forest Supervisor, the responsible official for this project, has determined that preparation of an EIS is required for a decision on the proposed plan under Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) (40 CFR 1500-1508).

Given the purpose and need, the Forest Supervisor will review the Proposed Action and alternatives, and consider the environmental consequences of all alternatives in order to make the following decisions for summer and winter travel on the PNF:

- Which roads, trails, and areas to add or subtract from the existing Travel Management Plan.
- What type of uses to allow on these roads, trails, and areas.
- What design features are necessary to minimize adverse environmental impacts associated with changes in travel management designations.
- How management parameters (such as safety and cost) should be balanced with recreation opportunities.
- What monitoring is to be included to evaluate project implementation.
- What changes are to be made to the Recreation Opportunity Spectrum.
- Whether to approve amendments to the Forest Plan.

1.7 Management Direction

1.7.1 Payette National Forest Land and Resource Management Plan

This analysis is tiered to the Final EIS (USDA Forest Service 2003a) for the *Payette National Forest Land and Resource Management Plan* (Forest Plan 2003) was approved by the Regional Forester in 2003. The Forest Plan establishes long-term management direction for the entire Forest and provides a framework for travel management planning. Key goals were listed earlier in this chapter. Key objectives, standards, and guidelines from the Forest Plan are bulleted below. Specific resource management direction is also provided in Table 2-27: Management Requirements, and in each resource section in Chapter 3 of this EIS.

Forest Plan Goals help describe desired conditions, or how to achieve those conditions. Goals normally have no specific dates for accomplishment. **Objectives** form the basis for project-level actions or proposals to help achieve Forest goals. The timeframe for accomplishing objectives, unless otherwise stated, is generally considered to be the planning period (next 10 to 15 years). **Standards** are binding limitations placed on management actions. Exceptions are made in some cases to allow temporary or short-term degrading effects in order to achieve long-term goals ((for example, Forest Soil and Water Standard #04, abbreviated as SWST04). A project or action that varies from a relevant standard may not be authorized unless the Forest Plan is amended to modify, remove, or waive its application. **Guidelines** represent a preferred or advisable course of action generally expected to be carried out. Deviation from compliance does not require a Forest Plan amendment (as with a standard), but rationale for deviation must be documented in the project decision document. All objectives, standards, and guidelines are from the 2003 PNF Forest Plan.

Objectives:

- Coordinate transportation systems, management, and decommissioning with other federal, state and county agencies, tribal governments, permittees, contractors, cost-share cooperators, and the public to develop a shared transportation system serving the needs of all parties to the extent possible (p. III-59: FROB05).
- During fine scale analyses in areas where roads and facilities are identified as a potential concern or problem contributing to degradation of water quality, aquatic species, or occupied sensitive or Watch plant habitat, evaluate and document where the contributing facilities are and prioritize opportunities to mitigate effects (p. III-59: FROB12).
- During fine scale analyses in areas where recreational trails are identified as a potential concern or problem contributing to degradation of other resources, evaluate and document the location of the trail degradation and prioritize opportunities to mitigate effects (p. III-63: REOB21).

Standards and Guidelines:

- Travel management should be used, as needed, to accomplish the following (p. III-60: FRGU09):
 - a) Provide for the safety and welfare of the users.
 - b) Protect threatened and endangered species and their habitat.
 - c) Protect Forest resources, such as wildlife, soil, vegetation, and water.
 - d) Provide a diversity of recreational experiences and reduce user conflicts.
 - e) Protect road and trail investments.
 - f) Comply with Forest contracts or permits, cooperative agreements, road purchase agreements, easement deeds, or other formal documents of the Government requiring that road use be controlled.
 - g) Coordinate hunting and fishing opportunities with State agencies.
- On all lands outside of designated travel ways, motorized use shall be prohibited unless otherwise authorized (p. III-64: REST04).
- Local Forest Service resource managers should facilitate and encourage involved user groups to resolve use conflicts among themselves. When the involved user groups accomplish resolution, the Forest Service should strongly consider recommendations and implement within the laws, regulations and policies that govern management of the National Forests. When the involved user groups do not accomplish resolution, the Forest Service should work to resolve the conflict based on the agency mission (p. III-64: REGU04).
- Winter recreation opportunities should be managed to provide for user safety and to minimize user conflicts. Winter recreation management should recognize that some activities are not

compatible in the same locations and should be separated when needed to maintain user safety and quality recreation experiences (p. III-66: REGU27).

1.8 Public Involvement

Nine newspaper articles and press releases regarding the travel planning effort were published in the local and regional papers since spring of 2004, including *The Star News* (McCall), *The Long Valley Advocate* (Cascade), *The Adams County Record* (Council), *The Weiser Signal American* (Weiser), and the *Idaho Statesman* (Boise). Legal notices were published in *The Star News* and *The Idaho Statesman*.

Proposed Action

Public involvement in this project officially began in October 2004 when the proposed action was issued to the public. A Notice of Intent (NOI) was published in the Federal Register on October 4, 2004. Public comment was taken for 96 days through January 7, 2005. Many comments were received, including 130 comment forms, 165 emails, 34 faxes, 254 letters, and 964 postcards. All comments received were reviewed and categorized by issue. Major issues were incorporated into the design of two new alternatives. Documents detailing the review of public comments and how the agency incorporated the substantive comments into new alternative design are available in the Project Record.

The McCall Winter Recreation Forum is a group of people representing various groups interested in winter recreational use of the PNF. The group has worked with the Payette National Forest for many years and identified a variety of proposals to address winter recreation use. Although the group did not come to agreement on a unified proposal, aspects of various members' proposals were incorporated into one or more of the alternatives for the Travel Management Plan.

Five public meetings were held in September and October of 2004, in McCall, Riggins, Council, New Meadows, and Weiser, Idaho. Informational meetings were held at the request of many stakeholders during the scoping phase of the project.

The project (including the Proposed Action, press releases, and additional information) was featured on the PNF website at <http://www.fs.fed.us/r4/payette>. The Proposed Action maps, narratives, and summaries were available for review at the Weiser Ranger District, the Council Ranger District, the New Meadows Ranger District, the Hells Canyon National Recreation Area in Riggins, and the Payette National Forest Supervisor's Office in McCall.

Scoping letters were sent to three Tribal Nations: the Shoshone-Bannock Tribes, the Shoshone-Paiute Tribes of Duck Valley, and the Nez Perce Tribe. Formal government-to-government consultation on this project has occurred with the Nez Perce Tribe, Shoshone Bannock Tribe, and Shoshone-Paiute Tribe including staff correspondence, and tribal council briefings.

Draft Environmental Impact Statement (DEIS)

The DEIS was published in early February of 2006. The comment period on the DEIS officially began on February 17, 2006 when the Notice of Availability was published in the Federal Register. The Forest initially established a 46-day comment period. The comment period was extended an additional 46 days at the request of members of the public.

Five public meetings were held in February and March of 2006, in Boise, Weiser, Council, New Meadows, and McCall. The DEIS and accompanying maps were featured on the PNF website. Copies of the DEIS and the maps were available at all Forest offices.

Copies of the DEIS were sent to three Tribal Nations: the Shoshone-Bannock Tribes, the Shoshone-Paiute Tribes of Duck Valley, and the Nez Perce Tribe. Formal government-to-government consultation on the project continued with the Nez Perce Tribe and the Shoshone-Paiute Tribe.

During the 92-day comment period on the DEIS, the Forest received approximately 450 comments including letters, emails, and faxes. All comments received were reviewed and categorized by issue. The Forest then developed a new action alternative, Alternative E, to respond to these comments and to address Ranger District specific needs and preferences.

1.9 Cooperating Agencies

At the request of a local Board of County Commissioners, the PNF offered cooperating agency status to the four counties where PNF lands occur. Adams, Idaho, Valley, and Washington counties were offered and accepted cooperating agency status in the environmental analysis process. Cooperating agency representatives from Adams, Valley, and Washington counties participated in meetings, review of public comments, identification of issues and alternatives, briefings, and document reviews with the project NEPA Coordinator, Forest Supervisor, and project Interdisciplinary Team. Representatives of Idaho Parks and Recreation also participated. Due to time limitations, the Idaho County Board of Commissioners decided to withdraw as a cooperating agency.

The cooperating agencies also held public meetings on the Proposed Action and potential alternatives and provided information on these meetings to the Forest Service.

1.10 Issues

Forest Service staff reviewed public, agency, and Tribal comments on the Proposed Action to identify issues and concerns. Potential issues generated from letters and public meetings were catalogued by subject and a determination made as to how the issues would be addressed. Documents detailing the review of public comments and how the agency incorporated the substantive comments into new alternative design are in the Project Record.

Issues were separated into two groups: significant issues used to formulate an alternative or for disclosure, and non-significant issues. The CEQ regulations specify that analysis focus only on significant issues. Issues determined not to be significant or covered by prior environmental review are discussed only briefly and eliminated from detailed study [40 CFR 1500.1(b), 1500.2(b), 1500.4(c), 1501.7(3), 1502.2(b), 1506.3].

Section 102(2) (e) of the National Environmental Policy Act (NEPA) states that all federal agencies shall “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” Unresolved conflicts focused on:

- 1) Allocation of motorized and non-motorized routes and areas in summer and winter, and
- 2) Maintenance of landscape connectivity in winter for large carnivores, specifically wolverine and lynx.

Appropriate alternatives must meet the purpose and need for the project, as well as address the unresolved conflicts determined to be significant issues. Three alternatives to the Proposed Action (Alternative B) were identified (see Chapter 2). Alternative C provides more motorized roads and trails in summer, and larger areas open to over-snow motorized use in winter. Alternative D provides more non-motorized trails in summer and closes additional areas in winter for non-motorized use and maintenance of landscape connectivity. Alternative E responds to comments received in response to the draft EIS. These alternatives are fully described in Chapter 2.

1.10.1 Significant Issues

Significant issues are issues used to formulate alternatives to the Proposed Action, prescribe mitigation measures, or analyze and disclose environmental effects. Indicators are measures used to track the

effects of the actions on the issues. The significant issues and the indicators for each are provided below. For a background statement for each significant issue, see Chapter 3 for the corresponding issue.

The Forest Service identified the following significant issues during scoping:

Recreation Issue 1: Travel management may affect opportunities for motorized and non-motorized recreation activities in summer.

Indicators:

- Miles of open road and seasonally open NFS road.
- Miles of two-wheel motorized trail and non-motorized trail.
- Miles of ATV trail.
- Miles of OHV trail (full four-wheel drive vehicle) trail.
- Acres open to cross-country motor vehicle use.

Recreation Issue 2: Travel management may affect opportunities for motorized and non-motorized recreation activities in winter.

Indicators:

- Acres open and closed to over-snow vehicles.
- Use areas with clear boundary designations.
- Miles of groomed snowmobile trail.
- Proximity of non-motorized areas to parking and access points for winter based activities.
- Approximate acres of skiable terrain (defined by slope, PNF strata, and elevation) in non-motorized areas.

Recreation Issue 3: Travel management may affect road and trail program costs.

Indicators:

- Costs to program management.

Recreation Issue 4: Travel management may affect the safety of recreationists due to the amount and location of motorized and non-motorized areas and trails.

Indicators:

- Degree of public safety provided based on separation of uses.

Recreation Issue 5: Changes in motorized use may affect Recreation Opportunity Spectrum (ROS) settings for both summer and winter use.

Indicators:

- Change to Recreation Opportunity Spectrum.

Roadless Character and Wilderness Issue 1: Increases in motorized use may affect wilderness potential, and wilderness attributes in Inventoried Roadless Areas (IRAs).

Indicators:

- Effects to wilderness potential.
- Effects to wilderness attributes of Inventoried Roadless Areas (IRAs): natural appearance, natural integrity, opportunities for solitude, opportunities for primitive recreation, and special features.

Soil & Water Issue 1: The type, extent, and location of roads, trails, and motorized areas in the Travel Management Plan may degrade soil productivity, accelerate erosion, and deliver sediment to streams.

Indicators:

- Percent of the Management Area (MA) designated open to cross-country motor vehicle use and/or limited motorized access.
- Percent of Riparian Conservation Areas (RCAs) in designated areas open to cross-country motor vehicle use and/or limited motorized access.
- Miles of designated roads.
- Miles of designated two-wheel motorized trails.
- Miles of designated ATV and OHV trails.
- Miles of designated roads and motorized trails in subwatersheds with a high watershed vulnerability rating.
- Miles of designated roads and motorized trails within RCAs.
- Number of inventoried stream crossings on designated roads and motorized trails.

Fisheries Issue 1: Travel management may impact habitats for threatened, endangered, and sensitive fishes including the bull trout (a Management Indicator Species).

Indicators:

- Change in the watershed condition indicator (WCI) for substrate embeddedness.
- Change in the watershed condition indicator for stream bank condition.

Wildlife Issue 1: Motorized travel may affect summer and winter elk habitat and elk vulnerability during hunting season.

Indicators – Summer:

- Acres open to cross-country motor vehicle use.
- Density of open NFS roads and motorized trails by watershed in summer.

Indicators – Hunting Season:

- Percent of elk security habitat available during hunting season.
- Density of open NFS roads and motorized trails by watershed in fall.

Indicators – Winter:

- Miles of groomed snowmobile routes within elk winter range.
- Acres and percent of elk winter range open to over-snow vehicle use during the winter.

Wildlife Issue 2: Motorized travel may affect Canada lynx habitat during summer and winter (over-snow).

Indicators – Summer:

- Density of roads and motorized trails within lynx habitat.

Indicators – Winter:

- Acres open and closed to over-snow vehicle use in lynx habitat.
- Miles of groomed snowmobile routes within lynx habitat.
- Effects of over-snow vehicle use on habitat connectivity.

Wildlife Issue 3: Over-snow vehicle use may affect wolverine denning habitat.

Indicators:

- Percent of wolverine denning habitat closed to over-snow vehicle use.
- Effects of over-snow vehicle use on habitat connectivity during winter.

Wildlife Issue 4: Travel management may affect habitat and/or populations of the pileated woodpecker (PNF Management Indicator Species (MIS) for large tree and snag dependent species), the white-headed woodpecker (MIS and sensitive species), and the three-toed woodpecker (sensitive species).

Indicators:

- Changes in habitat and potential effects on individuals and populations.

Wildlife Issue 5: Travel management may affect habitat and/or populations of threatened, endangered, and Forest Service Sensitive Species.

Indicators:

- Changes in habitat and potential effects on individuals and populations.

Wildlife Issue 6: Travel management may affect migratory bird species.

Indicators:

- Changes in habitat and potential effects on individuals and populations.

1.10.2 Non-Significant Issues

Non-significant issues include concerns that are:

- Addressed through project design
- Outside the scope of the proposed action
- Already decided by law
- Irrelevant to the decision being made
- Conjectural and not supported by scientific or factual evidence
- Expected to have negligible effects.

Specific rationale for the non-significant issues is identified below.

Access Opportunities:

Access to all roads, trails, and areas not designated on the Forest Travel Plan.

Response: Allowance of indiscriminant access to unauthorized (also known as user-created, unclassified, or nonsystem) roads, trails, and/or areas would not meet the purpose and need for the project or Forest Plan and national direction (Federal Register 2005: 70FR68264). In many cases, these routes were developed without agency authorization, environmental analysis, or public involvement, hence they do not have the same status as NFS roads and trails included in the PNF Travel Management Plan. Through the public involvement process, the Forest Service was made aware of specific unauthorized routes that members of the public proposed be added to the Travel Plan system. All of these proposals were reviewed and many of the routes were placed into Alternative C (greater motorized access alternative).

Access to general forest products (such as huckleberries and mushrooms) may be affected by the location and types of access provided by the Forest's Travel Plan.

Response: This concern is addressed through project design. The current designated system of roads and trails on the Payette National Forest allows motorized access to most of the Forest outside of the FC-RONRW. Outside of the FC-RONRW, the majority of watersheds (6th field hydrologic unit or HU) on the Forest currently contain at least one mile of NFS designated road or designated motorized trail per square mile (see Figure 1-2). Watersheds with fewer roads and trails are usually unable to support many more roads due to topographic limitations (such as steep slopes in the South Fork Salmon

River MA). Parking would be allowed within one vehicle length from the edge of designated NFS roads and trails when it is safe to do so, and can be done without causing damage to resources.

Commercial harvest of general forest products (including access to timber harvest areas) would continue to be authorized under a separate permitting process and is not considered part of general travel management. This concern is outside the scope of the analysis.

Access to Firewood Harvest Areas may be affected by the location and types of access provided by the Travel Management Plan.

Response: Firewood harvest and any associated need for off-road travel would be authorized in the firewood permitting process. Access for non-commercial firewood harvest is currently allowed on most of the existing travel system. Under all action alternatives, motorized cross-country travel would not be allowed, but much of the Forest is near to a road or motorized trail (see Figure 1-2). Firewood harvest and access to harvest areas specifically analyzed under a separate environmental analysis and authorized pursuant to written authorization issued under Federal law and regulation [36 CFR 261.13 (h)] could allow for use of closed system roads or cross-country travel. As provided for in the final Travel Management rule (Federal Register 2005: 70FR68264) motor vehicles may be used off the designated system when specifically authorized under a contract, permit, operating plan, or other written instrument issued under federal law or regulation. This concern is outside the scope of the analysis.

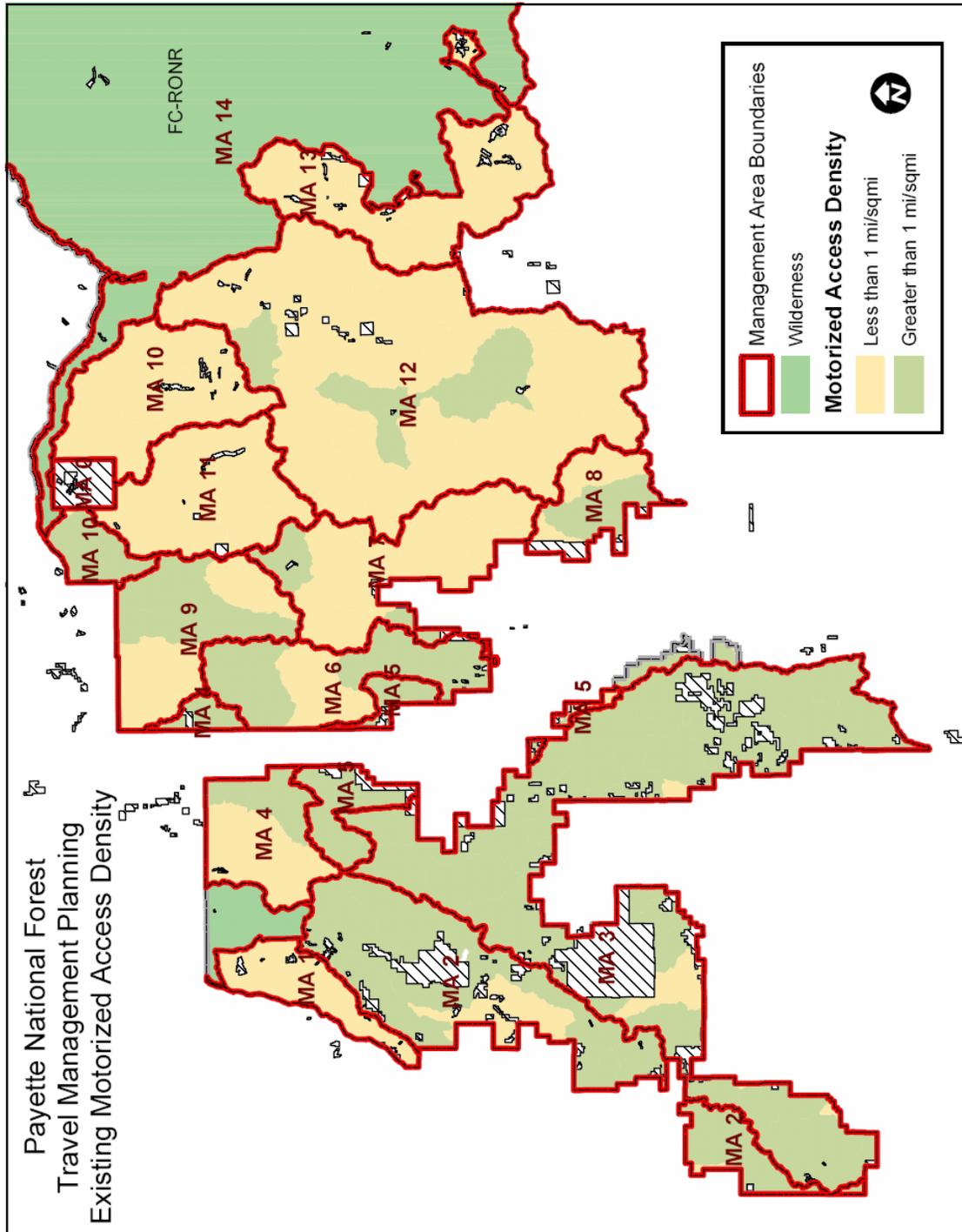
Access for range permittees, private land owners, mining claimants, and other users who access the Forest under permits and contracts.

Response: Access to accommodate the special needs of range permittees, private land owners, and mining claimants may be permitted under authorities related to those uses. Project-specific access would be maintained through the permitting process for each applicant. As provided for in the final Travel Management rule (Federal Register 2005: 70FR68264) motor vehicles may be used off the designated system when specifically authorized under a contract, permit, operating plan, or other written instrument issued under federal law or regulation. The final rule requires responsible officials to recognize rights of access in designating roads, trails, and areas (§212.55(d)). Rights of access include valid existing rights, and rights of use of NFS roads and NFS trails under §212.6(b). Therefore, this concern is outside the scope of the analysis.

Access for people with disabilities

Response: Under section 504 of the Rehabilitation Act of 1973, no person with a disability can be denied participation in a federal program available to all other people solely because of his or her disability. In conformance with section 504, wheelchairs are welcome on all NFS lands that are open to foot travel, and they are specifically exempted from the definition of motor vehicle in §212.1 of the Travel Management final rule (Federal Register 2005: 70FR68264) even if they are battery-powered. There is no legal requirement to allow people with disabilities to use OHVs or other motor vehicles on roads, trails, and areas closed to motor vehicle use because such an exemption could fundamentally alter the nature of the Forest Service's travel management program (7 CFR 15e.103). Reasonable restrictions on motor vehicle use, applied consistently to everyone, are not discriminatory. This concern is already decided by law.

Figure 1-2. Watersheds on the Payette National Forest with densities of roads and motorized trails greater than one mile per square mile.



Parking and Trailhead Facilities:

The amount and type of recreation activities that can occur during both winter and summer may be affected by the location of primary access points such as parking lots and trailheads.

Response: Many parking and trailhead facilities currently exist on the Forest. New construction of parking and trailheads would be analyzed and authorized as appropriate under separate environmental analyses and decisions. Existing and known proposed parking lots and trailheads have been taken into account when designing proposed locations for use and access in the alternatives. This concern is addressed in Chapter 2 as opportunities.

Law Enforcement and Public Education:

The Travel Management Plan and associated maps should be designed to be easy for the public to understand and reasonable for the Forest Service to enforce.

Response: There is national direction for implementation of FS travel management plans, including standardized maps and route markers. The final rule for Travel Management (Federal Register 2005: 70FR68264) states: “The Forest Service plans to develop a standard national format for motor vehicle use maps. These maps will be available at local Forest Service offices and, as soon as practicable, on Forest Service web sites. The Forest Service plans to issue additional travel management guidance in its sign handbook to ensure consistent messages and use of standard interagency symbols.” The final rule “will enhance enforcement by substituting a regulatory prohibition for closure orders and providing for a motor vehicle use map supplemented by signage.” These nationwide standards will make education and enforcement easier. This concern is already decided by law.

Noxious Weeds:

Changing patterns, location, type, and extent of recreation use and travel management may cause an increase in the spread of noxious weeds.

Response: Recreation activities can increase the potential for establishment and spread of noxious weed species. Ground disturbing activities such as motorized use and horse traffic can create conditions for the introduction, germination, and establishment of weed seeds. Activities that disturb soil and remove competitive, desirable vegetation create an ideal seedbed for weeds. Most existing infestations occur along or originated from roadsides, because vehicle traffic provides the ideal means for noxious weed spread. Roads and their associated vehicle traffic are the largest contributors to noxious weed expansion (Forest Plan 2003). Roads, trails, airstrips, and rivers are also a primary conduit for noxious weed and exotic plant transport and establishment.

Forest Plan direction requires projects that may contribute to the spread or establishment of noxious weeds shall include measures to reduce the potential for spread and establishment of noxious weed infestations. These measures are included in the management requirements to be followed with any selected action alternatives (see Table 2-27). Any construction or reconstruction activities on roads and trails that require treatment of cut and fill slopes would use weed-free seed mixes and weed-free straw (see Forest Plan standards NPST03, NPST06). Source sites for gravel and borrow materials shall be inspected for noxious weeds before materials are used from the source site (standard NPST07) and sources with noxious weed species present shall not be used (standard NPST08) (Forest Plan 2003). Given successful implementation of these requirements, adverse effects involving noxious weeds would not be discernible in any alternative.

Economics:

Travel management decisions may affect the economy of local communities.

Response: Forest Service direction (FSH 1909.12) for economic analysis states the level of economic analysis for a project should be commensurate with the scope and degree of economic impact caused by the project, as determined by the responsible official. Based on studies conducted during environmental analyses of other Travel Plans (USDA Forest Service 2005), economic effects from travel on National Forest System lands were found to be driven by national trends (such as increases in rural residency or changes in recreation demand) rather than by the supply of recreation areas (such as roads or over-snow use areas). Particularly in the case of the PNF where the proposed changes in the “supply” are relatively minor (for example, the Proposed Action would reduce the area open to over-snow motorized use by less than one percent), such small changes are expected to be negligible when compared with the force of national trends and regional and local demographics.

An extensive economic analysis conducted on the Gallatin National Forest (USDA Forest Service 2005) found it difficult to predict whether travel management plan alternatives would change recreation activities and use, causing subsequent effects on local economies. This study found the only way to show differing economic effects between alternatives would be to predict changes in amounts of use between the alternatives. Such predictions were found to be highly speculative, and likely to be dwarfed by national and regional trends.

The Gallatin’s economic analysis was conducted by a Forest Service social scientist and economist using the available demographic, labor, and income data from the Census Bureau and the U.S. Department of Commerce Bureau of Economic Research. The analysis included the three local counties most affected by recreation on the Gallatin National Forest and incorporated data from the Forest Service National Visitor Use Monitoring Study showing visitation to the Gallatin National Forest in 2003.

The analysis found economic activities related to the motorized and non-motorized recreation visitation to the Gallatin National Forest accounted for less than one percent of the total employment and labor income of the three-county area. The analysis predicted scenarios of change and showed that an increase or decrease of 10,000 hiking/walking visits to the Forest would cause a change of perhaps 15 jobs. An increase or decrease of 10,000 snowmobiling visits could cause an increase or decrease of approximately 19 jobs. Relative to the total economy of the areas surrounding the Gallatin National Forest these were determined to be very small changes. The analysis found: “There is no evidence that changes in use and therefore changes in economic effects would occur because of Travel Plan decisions” (USDA Forest Service 2005, p. S-2). A rapidly expanding population and economic base was determined to have a far greater effect on both visitor use of the Forest and recreation based economies.

The total population of the three counties surrounding the Gallatin National Forest was approximately 87,000, and the total number of visitors to the Gallatin National Forest was estimated at 1.9 million. In comparison, recent (2003) figures for the four counties surrounding the Payette National Forest show a population of approximately 36,700, less than half. The PNF National Visitor Use Monitoring Study (Recreation Specialist Report, Project Record) estimates 622,000 visitors to the Forest in 2003, less than one-third of the Gallatin.

In summary, the Gallatin National Forest analysis said, “It is difficult to predict at what point recreationists would change their activities, and there is little evidence to suggest that changes in road, trail, and area closures on various parts of the National Forest will cause recreationists to reduce their visitation or choose not to use the National Forest for that activity. Continued increasing demand for wild land recreation and continued population growth in the area will lead to more recreation visitation on the Gallatin National Forest and it is likely the area will not experience significant economic effects

from the Preferred Alternative.” It is likely similar effects would occur for the PNF Travel Management Plan, and likely that the magnitude of effects could be in the range of one-half to one-third that of the Gallatin.

For the Payette specifically, economic information gathered from the 2002 National Visitor Use Monitoring Project (NVUM) found spending per visitor to the Payette National Forest in a typical year averaged \$2,329 on outdoor recreation activities, including equipment, trips, memberships, and licenses (p. 14, NVUM, in Project Record). There are no limits or permits on numbers of users traveling on the designated route system or winter open areas on the Payette NF, nor does any alternative propose any. Effects of the alternatives on uses would be limited to confining motorized users to the designated route system and winter open areas. While this could result in some crowding on some roads, trails, and open areas, it would be difficult to calculate what economic effects such use changes would have, if any, because use would be displaced rather than end altogether. On the Payette NF, where relatively large open spaces are still available for both summer and winter dispersed recreation, some recreation use patterns would change due to the Travel Plan, but any crowding and economic effects of crowding would likely remain minor and immeasurable in most areas.

During the environmental analysis process, Valley County provided county statistical and economic reports (for example, State of Idaho 2005, 2006a, 2006b, and 2006c; U.S. Census Bureau, 2005). The reports provided demographic and economic information and analysis of local communities, along with analyses of the contribution of two sectors of the recreation economy--fishing and snowmobiling. The snowmobile report concluded, among other things: “The winter economy of McCall and Cascade, depend on money generated by snowmobile recreation and many service and retail businesses would be unable to sustain themselves without the winter revenues generated by the winter recreation” (State of Idaho 2006b). However, the study relied on several assumptions including one that a possible “cutback or loss of snowmobile tourism will not be offset by an increase in some other recreation.” Other sectors of the local recreation industry were not addressed in a comparable manner, nor were non-recreational sectors of the local economy addressed with supplemental information. Therefore, the information was of limited value in a quantitative comparative analysis of a diverse local and a regional economy. Although the information provided did not change the analysis of environmental effects of the alternatives, it was considered qualitatively in the analysis, along with the information from the Gallatin National Forest.

It is not known to what degree different forms of Forest recreation interact locally. For example, if one type of summer recreation decreases, will a different type increase to take its place? And if so, how soon, and for what duration? It is possible that even if the types of recreation change over time, the recreation totals would continue to reflect the overall regional upward trend. Other social, economic, technological, and natural trends would have a larger degree of influence over Payette recreation use numbers and types than a relatively small change in miles or acres open to different types of uses. Normal snowfall fluctuations from one winter to the next have greater influence on snowmobiling and skiing visits than would slight changes in acres open or closed to such uses.

Effects of Snowmobile Use:

Over-snow motorized vehicle use may affect water quality due to increased deposition from exhaust pollutants.

Response: Emissions from snowmobiles raise water quality concerns since unburned fuel, lubrication oil, and other compounds are deposited on the top layer of snow and may eventually reach surface or ground water.

The topic of snowmobiles effects on water quality has not been well studied. Most water quality studies associated with two-stroke engines have focused on use with outboard engines that discharge directly into the water column. Impacts from snowmobiling occur mostly where over-snow machines

concentrate along groomed motorized routes and winter destination areas. Where snowmobiling occurs over open water impacts could include direct discharge into aquatic habitats. “Appreciable contamination from backcountry snowmobiling probably occurs less frequently”. (Ruzycski and Lutch, 1999)

Several studies conducted in Yellowstone National Park. found that snowpack samples near heavily traveled snowmobile trails have been correlated with elevated levels of ammonium sulfate, benzene, and other toxic compounds (Ingersoll 1999). However, “studies of snowmelt-runoff chemistry indicate that elevated emission levels in snow along highway corridors generally are dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health”.

Arnold and Koel (2006) found detectable concentrations of five volatile organic compounds (VOCs) in snowmelt runoff at high concentrated snowmobile sites at the West Entrance and Old Faithful. All detectable VOC concentrations were below the EPAs recommended freshwater acute criteria. It was concluded that “any impacts of VOCs found in snowmelt runoff on Yellowstone National Park’s aquatic systems are likely negligible.” The report did recommend a need for further studies on polycyclic aromatic hydrocarbons (PAH), which are more persistent in the environment than VOCs, to determine possible affects on the aquatic environment.

In conclusion, the Forest recognizes that emissions from snowmobiles raise water quality concerns. However, in recent studies these pollutants are detectable in the snowpack only in areas of high concentration. In most cases, these pollutants are either volatilized into the atmosphere or quickly diluted into the watershed. Currently there is no evidence that snowmobiles have produced enough pollutants to harm the State designated beneficial uses for water quality.

Over-snow motorized vehicle use may affect air quality.

Response: The Forest does not have jurisdiction on vehicle use emissions, so remedies for this possible effect lie outside the scope of the agency’s proposed action. Emissions by recreational vehicles on the PNF are likely to have a negligible effect on Idaho Ambient Air Quality Standards, compared to other emission sources. The Environmental Protection Agency (EPA) has estimated that off-highway recreational vehicles including motorcycles, ATVs and snowmobiles, contribute about five percent of hydrocarbon emissions and two percent of carbon monoxide from mobile sources nationwide (EPA 2003). Given these low percentages, the overall contribution of recreational vehicles on the PNF to emission levels from local and regional sources is likely very small. Due to the generally excellent air quality on the Payette National Forest, and limited emissions from motorized recreation, any alternative is expected to comply with Idaho Ambient Air Quality Standards. There would be no discernible effects caused by, or differences between, alternatives.

Research Natural Areas:

Consider the effects of roads and trails and the associated motorized use on Research Natural Areas (RNAs)

Response: Forest Plan guidelines (Forest Plan 2003: p. III-76: RNGU02) state “Potential degradation from motorized use should be considered when developing RNA Management Plans and Travel Management Planning.” The current PNF Travel Plan, as updated by the *Backroads* Map, includes two-wheel motorized trails through the Cuddy Mountain RNA. Potential degradation of this RNA was considered during the formulation of the Proposed Action and the proposal would change these trails to non-motorized. Subsequently, it was recognized two-wheel motorized use would be unlikely to impact areas adjacent to the trail in the RNA due to the steep topography of the area that restricts the ability to drive off the trail. The RNA Establishment Record (USDA Forest Service 1996a) is unclear on the effects of motorized trails. The record states:

“Recreational activities that threaten or interfere with the objectives of the RNA are prohibited. Current trailed and dispersed recreational uses do no (sic) threaten the values of the research natural area.”

It is unclear if the trails in the area were known to be motorized. The record states the “trails are not maintained” (p. 13), but the 1995 Travel Map shows the trails as two-wheel motorized. A Management Plan has not been developed for the Cuddy Mountain RNA. For these reasons, the existing two-wheel motorized use (Alternative A) was also included in the greater motorized opportunities alternative (Alternative C), with use restricted to the actual trail; travel off-trail for the purposes of parking would not be allowed in recognition of potential sensitive resources. Because an RNA Management Plan has not been developed, the Responsible Official may decide to maintain the motorized trails or change them to non-motorized in the decision for the PNF Travel Management Plan. When the RNA Management Plan is completed, a different decision may be made for trail management. Therefore, this concern is considered to be outside the scope of this analysis.

Public Rights-of-Way (R.S. 2477):

The analysis should consider roads and trails that qualify as public rights of way under R.S. 2477.

Response: The Forest Service recognizes legally documented rights-of-way held by State, county, or other local public authorities. This includes rights-of-way under Revised Statute (R.S.) 2477 that have been adjudicated through the Federal court system or otherwise formally established, such as easements conveyed under the Federal Roads and Trails Act (FRTA). The only means to conclusively establish the existence of a R.S. 2477 right-of-way across Federal land is by obtaining a judgment from a Federal Court under the Quiet Title Act (28 U.S.C. § 2409a).

To establish a right-of-way requires three tests as outlined in Forest Service Intermountain Region direction (Regional Forester 5510/2730 memo of February 12, 2001):

- It must be shown that the statutory grant of the right-of-way was accepted prior to inclusion of the land in the National Forest System (NFS),
- It must be shown that a highway had been constructed and dedicated to public use in accordance with applicable laws prior to inclusion of the land into the NFS, and
- It must be shown that the right-of-way has been continuously used and maintained as a public highway. If not, it may be deemed abandoned by applicable laws.

The Forest Service cannot evaluate or concur with assertions for public rights-of-way without sufficient information to determine if any of these elements have been met. Without sufficient evidence of title, the Forest Service cannot recognize any claim of a real property interest in land under its administration.

In the analysis for the Travel Management Plan, the PNF acknowledged legally documented rights-of-way. These routes were designated as “other jurisdiction” in the Forest Service’s database, and their mileages were subtracted from the total miles of NFS roads and trails. These routes are shown with a different symbol on the maps produced for the EIS (see Map Packet). Rights-of-way established under R.S. 2477 or FRTA are open to public use, but no changes in these routes are proposed by the PNF in the Travel Plan.

This analysis recognizes that Valley, Idaho, and Adams counties have previously asserted R.S. 2477 rights-of-way on some of the routes considered in the analysis for this Travel Plan. The assertions on these routes lack complete background documentation of title; therefore, determining the merit of these assertion is not possible and is beyond the scope of this analysis. The PNF may add (designate), change the level or type of use, or remove these routes in the Travel Management Plan. This would not preclude establishment of the route as a public-right-of-way in the future if a court were to make a determination of validity.

In addition, Federal law (16 U.S.C. 551) requires compliance with regulations of the Secretary of Agriculture governing the use and occupancy of NFS lands. Regulations of the Secretary of Agriculture at 36 CFR 251.50 require that authorization be obtained from the Forest Service for use and occupancy of NFS lands, except as described in 36 CFR 251.50(e). Regulations at 36 CFR 261.10(a) prohibit constructing or maintaining roads or trails across NFS lands without appropriate Forest Service authorization.

Even where a valid right-of-way exists on a National Forest under R.S. 2477, the United States retains ownership of the land beneath and adjacent to the right-of-way (the “servient estate”). Any use, construction, reconstruction, or maintenance of roads that may affect that land is subject to regulation by the Forest Service, including requirements for authorizations, to ensure that activities are within the scope of the right-of-way and do not unreasonably or unnecessarily degrade Federal property. The assertion of a right-of-way under R.S. 2477 does not exempt the claimant from the application of these regulations.

The Forest received during and after the public review period on the DEIS a number of comments that the proposed Travel Plan was not addressing the R.S. 2477 issue appropriately. Some comments were that the Forest did not have the authority to make Travel Plan designations to roads or trails that were claimed as R.S. 2477 asserted routes. Other comments indicated that the R.S. 2477 issue should be a significant issue. The agency reviewed these concerns in detail. The Travel Plan will designate a system of roads, trails, and areas suitable for motorized and non-motorized uses. It will not make any RS 2477 determinations, nor does it preclude any R.S. 2477 determinations that a court may make in the future, nor does it make irreversible or irretrievable commitments that cannot be changed if assertions are later found valid. Even if the Travel Plan designates a route as closed, the Travel Plan is intended to be routinely updated from time to time to reflect changes, new needs, and new information. The Forest Service can re-open closed roads. In the meantime, without supporting evidence or a judicial determination of validity, the Forest Service may take action on its roads and trails necessary to protect resources where there is a demonstrated, compelling, and immediate need to take such action. Due to the limited role of R.S. 2477 rights-of-way in the Travel Plan process, this issue does not involve discernible effects and is substantially outside the scope of this analysis.

Easements:

The Forest Service should obtain easements to properly access certain roads and trails. The Forest Service lacks legal access on some roads and trails crossing non-Federal lands within NFS boundaries.

Response: Roads and trails under the jurisdiction of other entities (State, County, BLM, and private land owners) are not analyzed in this document. The Forest Service does not have jurisdiction over them. The PNF recognizes easements must be acquired to some roads or trails where legal access is lacking. These routes have been included on Travel Plan maps in gray to illustrate the complete road and trail system. Efforts to obtain these easements are ongoing, but such activity is considered outside the scope of this analysis. Full implementation of a selected action alternative on such roads would not occur until proper rights-of-way are secured.

Cultural Resources:

Travel management may affect cultural resources on newly designated roads and trails including roads and trails that exist on the ground, but are not part of the current system.

Response: Consistent with federal archaeological laws (see Section 1.11 Legal Requirements and Required Disclosures), before a new road or trail would be constructed or an unauthorized route designated for use, a cultural resources survey and evaluation would be completed and concurrence received from the Idaho State Historic Preservation Office. As a result, no adverse impacts would occur to cultural resource sites, or effects to the sites would be mitigated to acceptable levels (see Table 2-27:

Management Requirements and Project Design Features (PDFs) in Chapter 2). Therefore, given successful implementation of these management requirements and PDFs, adverse effects to cultural resources would not be discernible in any alternative.

Rare Plants:

Travel management may affect rare plant species, including sensitive, candidate, watch, and management indicator species (no threatened or endangered plants occur on the PNF).

Response: Consistent with Federal laws, regulation, and direction (see Section 1.11 Legal Requirements and Required Disclosures), before a new road or trail would be constructed or an unauthorized route designated for use, a rare plant survey would be conducted and appropriate mitigation would be applied to avoid any rare plants (see Table 2-27: Management Requirements and PDFs in Chapter 2). Therefore, given successful implementation of the management requirements and PDFs, adverse effects to plants would not be discernible in any alternative. Effects to plants are documented in the Biological Evaluation for plants (Project Record).

1.11 Legal Requirements and Required Disclosures

This FEIS adheres to the following federal legal requirements:

The National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190): The purposes of this Act are “To declare a national policy which will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality” (42 U.S.C. Sec. 4321). NEPA establishes the format and content requirements for environmental analyses and documentation. The entire process of preparing this EIS was undertaken to comply with NEPA.

The National Forest Management Act (NFMA) of 1976 (P.L. 4-588): This Act guides development and revision of National Forest Land Management Plans and contains regulations that prescribe how land and resource management planning is to be conducted on NFS lands to protect National Forest resources. The different alternatives for this project were developed to comply with NFMA, and represent varying degrees of resource protection.

The Endangered Species Act (ESA) of 1973, as amended: The purposes of this Act are to provide for the conservation of threatened and endangered species and their habitats. The Forest is required by the ESA to ensure that any actions it approves will not jeopardize the continued existence of threatened and endangered species or result in the destruction or adverse modification of critical habitat.

The Forest Service must prepare a biological assessment (BA) to comply with the ESA. A BA analyzes potential effects on threatened and endangered species that may be present in the project area. The U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) decide if implementation of the selected alternative would jeopardize the continued existence of any species listed or proposed as threatened or endangered under the ESA. This determination is issued as a Biological Opinion (BO) by the regulatory agency. The BO includes terms and conditions that must be complied with in order to be exempt from the prohibitions of Article 9 of that Act. The BO may include conservation recommendations, which are suggestions regarding discretionary activities to minimize or avoid adverse effects of the proposed action on listed species or critical habitat. If it is determined that the alternative would jeopardize the continued existence of a species, the agency must offer a reasonable and prudent alternative that would, if implemented, preclude jeopardy. Additional information is provided in the wildlife and fisheries sections in Chapter 3.

The Migratory Bird Treaty Act of 1918: The purpose of this Act is to establish an international framework for the protection and conservation of migratory birds. The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under the Act, taking, killing, or possessing migratory birds, including nests and eggs, is unlawful. A list of neotropical migratory birds protected by the Migratory Bird Treaty Act is provided in 50 CFR 10.13. Additional information on the Migratory Bird Treaty Act can be found in the Wildlife Resources section, Chapter 3.

Executive Order 13186 (Migratory Bird Treaty Act): In January 2001, the President signed an executive order outlining responsibilities of federal agencies to protect migratory birds under the Migratory Bird Treaty Act (MBTA). As a complementary measure to the Executive Order, the Forest Service and the U.S. Fish and Wildlife Service entered into a Memorandum of Understanding (MOU) the purpose of which is to strengthen migratory bird conservation through enhanced collaboration between the agencies, in coordination with state, tribal, and local governments.

Executive Order 11644 (February 8, 1972) "Use of Off-Road Vehicles on the Public Lands," as amended by E.O. 11989 (May 24, 1977): National direction for travel planning, specifically off-road use of motor vehicles on Federal lands, is provided by Executive Order (E.O.) 11644 as amended. Section 3(a) of E.O. 11644 directs the Forest Service to promulgate regulations that provide for designation of trails and areas for off-road motor vehicle use. The regulations require that designation of these trails and areas be based upon protection of National Forest System resources, promotion of public safety, and minimization of conflicts among uses of National Forest System lands. Section 9(b) was added to E.O. 11644 when it was amended by E.O. 11989. Section 9(b) specifically authorizes the Forest Service to adopt the policy to designate those areas or trails that are suitable for motor vehicle use and to close all other areas and trails to that use.

The Federal Water Pollution Control Act of 1972 (PL 92-500) as amended in 1977 (PL 95-217) and 1987 (PL 100-4), also known as the federal Clean Water Act: The primary objective of this Act is to restore and maintain the integrity of the nation's waters by: 1) Eliminating the discharge of pollutants into the nation's waters; and 2) Achieving water quality levels that are fishable and swimmable. This Act establishes a non-degradation policy for all federally proposed projects to be accomplished through planning, application, and monitoring of Best Management Practices (BMPs) (see Appendix C). Identification of BMPs is mandated by Section 319 of the Water Quality Act of 1987 (also referred to as the Clean Water Act), which states, "It is national policy that programs for the control of nonpoint sources of pollution be developed and implemented." Additional information on BMPs is provided in Appendix C and the Soil and Water Resources section, Chapter 3.

The Clean Air Act, as amended in 1990: The purposes of this Act are "...to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population; to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution; to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and to encourage and assist the development and operation of regional air pollution prevention and control programs." No significant issues related to air quality were identified (see discussion in Section 1.10.2 *Non-Significant Issues*).

Federal Noxious Weed Act of 1974: This Act provides for the control and management of non-indigenous weeds that injure or have the potential to injure the interests of agriculture and commerce, wildlife resources, or the public health. The Act requires that each federal agency develop a management program to control undesirable plants on federal lands under the agency's jurisdiction; establish and adequately fund the program; implement cooperative agreements with state agencies to coordinate management of undesirable plants on federal lands; establish integrated management

systems to control undesirable plants targeted under cooperative agreements. No significant issues related to noxious weeds were identified (see discussion in Section 1.10.2 *Non-Significant Issues*).

The Preservation of American Antiquities Act of 1906: This Act makes it illegal to "...appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned by the Government of the United States..." Cultural resource surveys would be completed for all proposed additions to the current designated travel system and any cultural resources identified would be protected as required through consultation with the Idaho State Historic Preservation Office (SHPO) (see discussion in Section 1.10.2 *Non-Significant Issues*).

The National Historic Preservation Act of 1966, as amended: This Act requires federal agencies to consult with state and local groups before nonrenewable cultural resources, such as archaeological sites and historic structures are damaged or destroyed. Section 106 of this Act requires federal agencies to review the effects that project proposals may have on the cultural resources in the project area. It requires agencies to consider the effects of undertakings on properties eligible to or listed in the National Register of Historic Places by following the regulatory process specified in 36 CFR 800.

Actions permitted, approved, or initiated by the Forest Service and that may affect cultural resources must comply with provisions of the National Historic Preservation Act (NHPA) of 1966, as amended, and as implemented by federal guidelines 36 CFR 800. Section 106 of the NHPA requires a federal agency to take into account the effects of the agency's undertaking on properties listed on, or eligible for listing on, the National Register of Historic Places (NRHP).

Before any federal undertaking begins, cultural resources eligible for listing on the NRHP must be identified and documented. Cultural resources recorded in the project area are evaluated in consultation with the SHPO or the Federal Advisory Council on Historic Preservation (ACHP).

The Archaeological Resources Protection Act (ARPA) of 1979: ARPA prohibits the excavation, removal, damage, or destruction of archaeological resources located on public lands, and specifies civil and criminal penalties for persons found guilty of violations under the act. Authorized excavation and removal of archaeological resources requires a permit issued by the federal agency. ARPA, as referenced in the Freedom of Information Act (FOIA) (5 U.S.C. 552[b]), protects the confidentiality of archaeological sites from public disclosure. Other provisions of the law promote communication and cooperation between federal agencies, Indian tribes, professional archaeologists, and private individuals for the protection of archaeological resources on public lands. The procedures for implementing ARPA are outlined in the U.S. Code of Federal Regulations (36 CFR Part 296).

Federal statutes covering theft and destruction of government property also prohibit the removal of, and damage or destruction of, archaeological resources on public lands (see 18 U.S.C. 641 and 18 U.S.C. 1361, respectively).

Consumers, Civil Rights, Minorities, and Women: The need to conduct an analysis of this potential impact is required by Forest Service Manual and Forest Service Handbook direction. The civil rights of individuals or groups, including minorities, people with disabilities, and women, are not differentially affected by any alternative, because access is afforded to all groups equally in the PNF Travel Management Plan.

Executive Order 12898: Executive Order 12898 directs each federal agency to make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. An associated memorandum emphasizes the need to consider these types of effects during NEPA analysis. The Proposed Action and alternatives would not disproportionately adversely affect minority or low-income populations (including American Indian Tribal members) because access is afforded to these groups equally in the PNF Travel Management Plan.

Payette National Forest Responsibilities to Federally Recognized Tribes: American Indian Tribes are afforded special rights under various federal statutes including: the National Historic Preservation Act (NHPA) of 1966 (as amended); the National Forest Management Act of 1976 (P.L.4-588); the Archaeological Resources Protection Act of 1979, and implementing regulations 43 CFR Part 7; the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, and implementing regulations 43 CFR Part 10; the Religious Freedom Restoration Act of 1993 (P.L. 103-141); and the American Indian Religious Freedom Act (AIRFA) of 1978. Federal guidelines direct federal agencies to consult with American Indian Tribal representatives who may have concerns about federal actions that may affect religious practices, other traditional cultural uses, as well as cultural resource sites and remains associated with American Indian ancestors. Any Tribe whose aboriginal territory occurs within a project area is afforded the opportunity to voice concerns for issues governed by NHPA, NAGPRA, or AIRFA.

Federal responsibilities to consult with Indian Tribes are included in the National Forest Management Act of 1976 (P.L. 4-588), Interior Secretarial Order 3175 of 1993 and Executive Orders 12875, 13007, 12866, and 13084. Executive Order 12875 calls for regular consultation with tribal governments; and Executive Order 13007 requires consultation with Indian Tribes and religious representatives on the access, use, and protection of Indian sacred sites. Executive Order 12866 requires that federal agencies seek views of tribal officials before imposing regulatory requirements that might affect them; and Executive Order 13084 provides direction regarding consultation and coordination with Indian Tribes relative to fee waivers. Executive Order 12898 directs federal agencies to focus on the human health and environmental conditions in minority and low-income communities, especially in instances where decisions may adversely impact these populations (see the “Environmental Justice” above). The 40 CFR 1500-1508 regulations of the NEPA invite Indian tribes to participate in Forest management projects and activities that may affect them.

Portions of the Payette National Forest are located within ceded lands of the Nez Perce Tribe. Ceded lands are federal lands on which the federal government recognizes that a tribe has certain inherent rights conferred by treaty. In the Nez Perce Treaty of 1855, Article 3, the United States of America and the Nez Perce Tribe mutually agreed that the Nez Perce retain the right of:

“... taking fish at all usual and accustomed places in common with citizens of the Territory [of Idaho]; and of creating temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing horses and cattle...”

Portions of the Payette National Forest are in the Area of Interest for the Shoshone-Bannock Tribes. Part of the western side of the Forest is in the Area of Interest for the Shoshone-Paiute Tribes of Duck Valley. The unratified Bruneau and Boise Treaties, and the unratified Treaty of Ruby Valley, established various rights (or failed to extinguish various rights) pertaining to the Shoshone-Paiute Tribes. All federal agencies are bound by the legal implications of these documents. Under the Fort Bridger Treaty of 1868, the Shoshone-Bannock Tribes retain off-reservation hunting and fishing rights.

1.12 Project Record

This EIS hereby incorporates by reference the Project Record (40 CFR 1502.21). The Project Record contains Specialists’ Reports and other technical documentation used to support the analysis and conclusions in this EIS. The use of Specialists’ Reports and the Project Record meets provisions of the Council on Environmental Quality (CEQ) regulations to reduce NEPA paperwork (40 CFR 1500.4), to make EISs analytic rather than encyclopedic, and to keep EISs concise and no longer than absolutely necessary (40 CFR 1502.2). The objective is to furnish enough site-specific information to demonstrate a reasoned consideration of the environmental impacts of the alternatives and how these impacts can be mitigated, without repeating detailed analysis and background information available elsewhere. The

Project Record is available for review at the Forest Supervisors Office, Payette National Forest, McCall, Idaho.

1.13 Availability of the Final EIS

Availability of the final EIS was announced in the Federal Register and in local papers. The EIS was mailed to federal and state agencies, American Indian Tribes, municipal offices, and anyone else who had previously requested it. The EIS is also available for review on the Payette National Forest website at: <http://www.fs.fed.us/r4/payette/main.html>.